



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK - BROADWAY IMMIGRATION COURT

Respondent Name:

(b)(6)

A-Number:

(b)(6)

To:

Ruprell, Jyoti Sanjay  
P.O. Box 2608  
Fremont, CA 94536

Riders:

In Removal Proceedings

Date:

04/19/2023

**ORDER OF THE IMMIGRATION JUDGE**

- ☒ This is a summary of the oral decision entered on 04/19/2023. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- ☐ Both parties waived the issuance of a formal oral decision in this proceeding.

**I. Removability**

The immigration court found Respondent ☒ removable ☐ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(7)(A)(i)(I) and 212(a)(5)(A)(i)

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

**II. Applications for Relief**

Respondent's application for:

**A. Asylum/Withholding/Convention Against Torture**

- ☒ Asylum was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under INA § 241(b)(3) was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☒ Withholding of Removal under the Convention Against Torture was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☐ Deferral of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☐ Respondent knowingly filed a frivolous application for asylum after notice of the

consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

**B. Cancellation of Removal**

- ☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.

**C. Waiver**

- ☐ A waiver under INA §        was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.

**D. Adjustment of Status**

- ☐ Adjustment of Status under INA §        was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.

**E. Other**

**III. Voluntary Departure**

- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a)  
☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ denied.
- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a)  
☐ post-conclusion voluntary under INA § 240B(b) departure was ☐ granted, and

Respondent is ordered to depart by . The respondent must post a \$   
bond with DHS within five business days of this order. Failure to post the bond as  
required or to depart by the required date will result in an alternate order of removal to

taking effect immediately.

- ☐ The respondent is subject to the following conditions to ensure his or her timely  
departure from the United States:

- ☐ Further information regarding voluntary departure has been added to the record.
- ☐ Respondent was advised of the limitation on discretionary relief, the consequences  
for failure to depart as ordered, the bond posting requirements, and the consequences of  
filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

☐ the presumptive civil monetary penalty amount of \$3,000.00 USD

☐ \$ \_\_\_\_\_ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of 10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.*

If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### **IV. Removal**

☒ Respondent was ordered removed to India.

☐ In the alternative, Respondent was ordered removed to

☐ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### **V. Other**

☐ Proceedings were ☐ dismissed ☐ terminated with prejudice ☐ terminated without prejudice  
☐ administratively closed.

☐ Respondent's status was rescinded under INA § 246.

☐ Other:



Immigration Judge: Burns, John 04/19/2023

Appeal: Department of Homeland Security: ☒ waived ☐ reserved

Respondent: ☐ waived ☒ reserved

Appeal Due: 05/19/2023

### **Certificate of Service**

This document was served:

Via: ☐ M ] Mail | ☐ P ] Personal Service | ☐ E ] Electronic Service

To: ☐ Noncitizen | ☐ Noncitizen c/o custodial officer | ☐ E ] Noncitizen's atty/rep. | ☐ E ] DHS

Riders:

By: Friedman, Michael , Court Staff

Date: 04/20/2023



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK - BROADWAY IMMIGRATION COURT**

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Initiated by the Department of Homeland Security

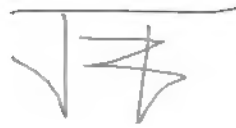
Date:

03/28/2023

**ORDER OF THE IMMIGRATION JUDGE**

Motion for Video Appearance is granted

**Order:**



Immigration Judge: Burns, John 03/28/2023

Appeal: Department of Homeland Security: ☒ waived ☐ reserved  
Respondent: ☒ waived ☐ reserved

Appeal Due:

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Respondent Name :  A-Number :

Riders:

Date: 03/28/2023 By: Friedman, Michael , Court Staff

US Department of Justice  
Executive Office for Immigration Review  
290 BROADWAY - 15TH FLR  
NEW YORK, NY 10007

In the Matter of:

(b)(6)  
A (b)(6)

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of Respondent's Motion to Change Venue, it is HEREBY ORDERED

that the motion be \_\_\_ GRANTED X DENIED because:

\_\_\_ DHS does not oppose the motion.

\_\_\_ The respondent does not oppose the motion.

\_\_\_ A response to the motion has not been filed with the court.

\_\_\_ Good cause has been established for the motion.

\_\_\_ The court agrees with the reasons stated in the opposition to the motion.

\_\_\_ The motion is untimely per

X Other: *Respondent already moved case to NYC previously. It would cause undue delay to ~~move~~ adjourn everytime he moves. Parties can appear via Webex.*

\_\_\_ The application(s) for relief must be filed by

\_\_\_ The respondent must comply with DHS biometrics instructions by

Date: 6/22/22

[Signature]  
Immigration Judge

Certificate of Service

This document was served by: ☒ Mail ☐ Personal Service

To: ☐ Alien ☐ Alien c/o Custodial Officer ☒ Alien's Atty/Rep ☒ DHS Date:

6/22/22 By: Court Staff BCJ







**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK - BROADWAY IMMIGRATION COURT**

Respondent Name:

(b)(6)

To:

Singh, Dalbir  
40 Wall Street  
25th Floor  
New York, NY 10005

A-Number:

(b)(6)

Riders:

(b)(6)

(b)(6)

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

05/09/2022

**ORDER OF THE IMMIGRATION JUDGE**

**DECISION ON REMOVABILITY**

The respondent, through counsel, has submitted written pleadings. Based upon the record presented, including any admissions of factual allegations and concessions to the charge(s) by the respondent, the Court finds the respondent removable from the United States as charged pursuant to

(212)(a)(06)(A)(i) ), (212)(a)(07)(A)(i) (I ).

The court hereby directs INDIA as the country of removal in this case.

**SCHEDULING ORDER**

1. The respondent must file any applications, prima facie evidence of eligibility, legal briefs, and supporting documents within 60 days of the date of this order. A copy of the applications and supporting documents must be served on the Department of Homeland Security.
2. Either party may file a dispositive motion, stipulation, or joint motion at any time.
3. The respondent has been provided a copy of a notice and instructions to provide biometrics and other biographical information to DHS. Failure to comply with these instructions or to provide biometrics or other biographical information to DHS may result in a finding that any applications for covered forms of relief have been abandoned, unless good cause for the failure to comply is shown. 8 C.F.R. § 1003.47(c).

4. Failure to abide by the deadlines specified in this order may result in a finding that the opportunity to file applications for relief has been waived. 8 C.F.R. § 1003.31(c); see also Matter of R-R-, 20 I&N Dec. 547, 549 (BIA 1992).

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "John Burns", is written over a faint circular stamp.

Immigration Judge: Burns, John 05/09/2022

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Date: 05/13/2022 By: Gillis, Brittney , Court Staff

☐ ] BIOMETRICS



**UNITED STATES DEPARTMENT OF JUSTICE  
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Date:

05/09/2022

**ORDER OF THE IMMIGRATION JUDGE**

**DECISION ON REMOVABILITY**

The respondent, through counsel, has submitted written pleadings. Based upon the record presented, including any admissions of factual allegations and concessions to the charge(s) by the respondent, the Court finds the respondent removable from the United States as charged pursuant to

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Immigration Judge: Burns, John 05/09/2022

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In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

05/10/2022

**Scheduling Order**

A hearing has been set in this case for 10/12/2022 . The following filing deadlines are ordered in this case:

1. Other than evidence offered for rebuttal or impeachment purposes, the parties must file any other supplemental motions, briefs, or supporting documents no later than 15 days before the scheduled hearing. All submissions must also be served on the opposing party, which will have 10 days to respond.
2. Either party may file a dispositive motion, stipulation, or joint motion at any time.
3. The Department of Homeland Security must confirm in writing whether the respondent has complied with biometrics and other biographical information requirements at least 15 days before the scheduled hearing. The respondent has 10 days to respond to the Department's filing.

**IT IS SO ORDERED.**

Immigration Judge: Burns, John 05/10/2022

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By: Gillis, Brittney , Court Staff

Date: 05/13/2022





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Immigration Judge: Burns, John 05/10/2022

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By: Gillis, Brittney , Court Staff

Date: 05/13/2022



**UNITED STATES DEPARTMENT OF JUSTICE  
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Initiated by the Department of Homeland Security

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**IT IS SO ORDERED.**

Immigration Judge: Burns, John 05/10/2022

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By: Gillis, Brittney , Court Staff

Date: 05/13/2022

**THE U.S. DEPARTMENT OF JUSTICE  
IN THE U.S. IMMIGRATION COURT**

In The Matter of )  
(b)(6) (Not in Custody) ) File: A (b)(6)  
(b)(6) (Not in Custody) ) File: A (b)(6)  
) Motion for Adjournment

**ORDER (draft)**

The U.S. Immigration Court having considered Respondent's Motion for Adjournment and having determined that good cause exist to grant this motion pursuant to 8 C.F.R. § 240.6, it is ordered that the Respondent's Motion for Adjournment be

X **GRANTED**    **DENIED** because:

X Good cause exists to grant the Motion;

   Government does not oppose the motion.

   Good cause has been established for the motion.

   The court agrees with the reasons stated in the motion.

   To grant Respondent's Motion is found to be in good faith compliance with the Class Action Settlement in case 17-2092.

   To grant Respondent's Motion is found in the interests of justice;

It is hereby ordered that \_\_\_\_\_

\_\_\_\_\_  
It is so Ordered

John Burns  
The Hon.

John Burns

5/11/22  
Date:

A COPY OF THIS DECISION WAS  
ALIEN ATTY DHS  
PERSONALLY SERVED ☐ ☐ ☐  
SERVED VIA US MAIL ☐ ☐ ☒  
SERVED VIA-MAIL ☐ ☐ ☒  
DATE 5/12/22 JTS LEGAL ASST [Signature]

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
NEW YORK, NY

In the Matter of: (b)(6)  
(b)(6)  
(b)(6)

A# (b)(6)  
A# (b)(6)  
A# (b)(6)

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the **Respondent's Motion to Change Venue**, it is HEREBY ORDERED  
that the motion be:

☐ **GRANTED**    ☒ **DENIED**    because:

☐ DHS does not oppose the motion.

☐ Good cause has been established for the motion.

☐ The motion is untimely.

☒ **Other:** The Respondents previously requested to be in NY. It causes undue delay to  
reset cases every time a person moves and incentives forum shopping. The  
Respondents can appear via Webex.

7/1/22

Date

JOHN BURNS

Digitally signed by JOHN BURNS  
Date: 2022.07.01 10:59:01 -0400

Immigration Judge

Certificate of Service

This document was served by:

☐ Mail

☐ Personal Service

☒ E-Service

To: ☐ Alien    ☐ Alien c/o Custodial Officer

☒ Alien's Atty/Rep

☐ DHS

Date: 7/1/22

By: Court Staff: JK

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
NEW YORK, NY

In the Matter of: (b)(6)  
(b)(6)  
(b)(6)

A# (b)(6)  
A# (b)(6)  
A# (b)(6)

ORDER OF THE IMMIGRATION JUDGE

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that the motion be:

☐ GRANTED ☒ DENIED because:

- ☐ DHS does not oppose the motion.
- ☐ Good cause has been established for the motion.
- ☐ The motion is untimely.
- ☒ Other: The Respondents previously requested to be in NY. It causes undue delay to reset cases every time a person moves and incentives forum shopping. The Respondents can appear via Webex.

7/1/22

Date

JOHN BURNS

Digitally signed by JOHN BURNS  
Date: 2022.07.01 10:59:01 -04'00'

Immigration Judge

Certificate of Service

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To: ☐ Alien ☐ Alien c/o Custodial Officer ☒ Alien's Atty/Rep ☐ DHS

Date: 7/1/22

By: Court Staff: JK

☒ E-Service

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
NEW YORK, NY

In the Matter of:

(b)(6)
(b)(6)
(b)(6)

A#	(b)(6)
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☐ **GRANTED**    ☒ **DENIED**    because:

- ☐ DHS does not oppose the motion.
- ☐ Good cause has been established for the motion.
- ☐ The motion is untimely.
- ☒ Other: The Respondents previously requested to be in NY. It causes undue delay to reset cases every time a person moves and incentives forum shopping. The Respondents can appear via Webex.

7/1/22

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JOHN BURNS

Digitally signed by JOHN BURNS  
Date: 2022.07.01 10:59:01 -04'00'

Immigration Judge

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Date: 7/1/22

By: Court Staff: JK

☒ E-service





**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK - BROADWAY IMMIGRATION COURT**

Respondent Name:

(b)(6)

To:

YE, Ning  
135-11 38th Avenue  
Rm. 1A  
Flushing, NY 11354

A-Number:

(b)(6)

Riders:

In Removal Proceedings  
Initiated by the Department of Homeland Security

Date:

10/06/2022

**ORDER OF THE IMMIGRATION JUDGE**

Motion terminating representation is granted

**Order:**

J B

Immigration Judge: Burns, John 10/06/2022

Appeal: Department of Homeland Security: ☐ waived ☐ reserved  
Respondent: ☐ waived ☐ reserved

Appeal Due:

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Respondent Name :  | A-Number :

Riders:

Date: 10/12/2022

By: Friedman, Michael , Court Staff



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Singh, Dalbir  
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In Removal Proceedings  
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Date:

11/10/2022

**ORDER OF THE IMMIGRATION JUDGE**

**Order:**

Respondent's Motion to Correct Case Information is granted

13

Immigration Judge: Burns, John 11/10/2022

Appeal: Department of Homeland Security: ☐ waived ☐ reserved  
Respondent: ☐ waived ☐ reserved

Appeal Due:

### Certificate of Service

This document was served:

Via: ☐ M Mail ☐ P Personal Service ☐ E Electronic Service

To: ☐ Noncitizen ☐ Noncitizen c/o custodial officer ☐ E Noncitizen's atty/rep. ☐ E DHS

Respondent Name : (b)(6) | A-Number : (b)(6)

Riders:

Date: 11/15/2022 By: Friedman, Michael , Court Staff



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK - BROADWAY IMMIGRATION COURT

Respondent Name:

(b)(6)

To:

Singh, Dalbir  
40 Wall Street  
25th Floor  
New York, NY 10005

A-Number:

(b)(6)

Riders:

(b)(6)

(b)(6)

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

11/08/2022

**ORDER OF THE IMMIGRATION JUDGE**

- ☒ This is a summary of the oral decision entered on 10/26/2022. This memorandum is solely for the convenience of the parties. The oral or written Findings, Decision, and Orders is the official opinion in this case.
- ☐ Both parties waived the issuance of a formal oral decision in this proceeding.

**I. Removability**

The court found Respondent ☒ removable ☐ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA): 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I)

**II. Applications for Relief**

Respondent's application for:

**A. Asylum/Withholding/Convention Against Torture**

- ☒ Asylum was ☐ granted ☒ denied ☐ withdrawn.
- ☒ Withholding of Removal under the INA was ☐ granted ☒ denied ☐ withdrawn.
- ☒ Withholding of Removal under the Convention Against Torture was ☐ granted ☒ denied ☐ withdrawn.
- ☐ Respondent knowingly filed a frivolous application for asylum after notice of the consequences.

**B. Cancellation of Removal**

- ☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was ☐ granted ☐ denied ☐ withdrawn.
- ☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was

☐ granted ☐ denied ☐ withdrawn.

☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was

☐ granted ☐ denied ☐ withdrawn.

**C. Waiver**

☐ A waiver under INA §        was ☐ granted ☐ denied ☐ withdrawn.

**D. Adjustment of Status**

☐ Adjustment of Status under INA §        was ☐ granted ☐ denied ☐ withdrawn.

**E. Other**

**III. Voluntary Departure**

☐ Respondent's application for ☐ pre-conclusion ☐ post-conclusion voluntary departure was  
☐ denied ☐ granted

☐ Further information regarding voluntary departure is attached.

Respondent shall depart the United States without expense to the Government by

Respondent shall post a departure bond in the amount of  with the DHS on or before

**IV. Removal**

☒ Respondent was ordered removed to India.

☐ In the alternative, Respondent was ordered removed to

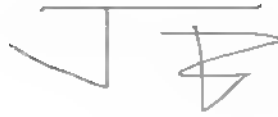
**V. Other**

☐ Proceedings were ☐ dismissed ☐ terminated ☐ administratively closed.

☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered.

☐ Respondent's status was rescinded under INA § 246.

☐ Other:



Immigration Judge: Burns, John 11/08/2022

Appeal: Department of Homeland Security: ☒ waived ☐ reserved  
Respondent: ☐ waived ☒ reserved

Appeal Due: 11/25/2022

### Certificate of Service

This document was served:

Via: ☐ M Mail ☐ P Personal Service ☐ E Electronic Service

To: ☐ Noncitizen ☐ Noncitizen c/o custodial officer ☐ E Noncitizen's atty/rep. ☐ E DHS

Respondent Name : (b)(6) | A-Number : (b)(6)

Riders:

(b)(6)

(b)(6)

Date: 11/15/2022 By: Friedman, Michael , Court Staff



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK - BROADWAY IMMIGRATION COURT

Respondent Name:

(b)(6)

To:

Singh, Dalbir  
40 Wall Street  
25th Floor  
New York, NY 10005

A-Number:

(b)(6)

Riders:

(b)(6)

(b)(6)

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

11/08/2022

**ORDER OF THE IMMIGRATION JUDGE**

- ☒ This is a summary of the oral decision entered on 10/26/2022. This memorandum is solely for the convenience of the parties. The oral or written Findings, Decision, and Orders is the official opinion in this case.
- ☐ Both parties waived the issuance of a formal oral decision in this proceeding.

**I. Removability**

The court found Respondent ☒ removable ☐ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA): 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I)

**II. Applications for Relief**

Respondent's application for:

**A. Asylum/Withholding/Convention Against Torture**

- ☒ Asylum was ☐ granted ☒ denied ☐ withdrawn.
- ☒ Withholding of Removal under the INA was ☐ granted ☒ denied ☐ withdrawn.
- ☒ Withholding of Removal under the Convention Against Torture was ☐ granted ☒ denied ☐ withdrawn.
- ☐ Respondent knowingly filed a frivolous application for asylum after notice of the consequences.

**B. Cancellation of Removal**

- ☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was ☐ granted ☐ denied ☐ withdrawn.
- ☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was



☐ granted ☐ denied ☐ withdrawn.

☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was

☐ granted ☐ denied ☐ withdrawn.

**C. Waiver**

☐ A waiver under INA §        was ☐ granted ☐ denied ☐ withdrawn.

**D. Adjustment of Status**

☐ Adjustment of Status under INA §        was ☐ granted ☐ denied ☐ withdrawn.

**E. Other**

**III. Voluntary Departure**

☐ Respondent's application for ☐ pre-conclusion ☐ post-conclusion voluntary departure was  
☐ denied ☐ granted

☐ Further information regarding voluntary departure is attached.

Respondent shall depart the United States without expense to the Government by

Respondent shall post a departure bond in the amount of  with the DHS on or before

**IV. Removal**

☒ Respondent was ordered removed to India.

☐ In the alternative, Respondent was ordered removed to

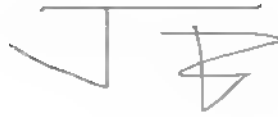
**V. Other**

☐ Proceedings were ☐ dismissed ☐ terminated ☐ administratively closed.

☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered.

☐ Respondent's status was rescinded under INA § 246.

☐ Other:



Immigration Judge: Burns, John 11/08/2022

Appeal: Department of Homeland Security: ☒ waived ☐ reserved  
Respondent: ☐ waived ☒ reserved

Appeal Due: 11/25/2022

### Certificate of Service

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To: ☐ Noncitizen | ☐ Noncitizen c/o custodial officer | ☐ E ] Noncitizen's atty/rep. | ☐ E ] DHS

Respondent Name :  | A-Number :

Riders:

Date: 11/15/2022 By: Friedman, Michael , Court Staff



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK - BROADWAY IMMIGRATION COURT

Respondent Name:

(b)(6)

To:

Singh, Dalbir  
40 Wall Street  
25th Floor  
New York, NY 10005

A-Number:

(b)(6)

Riders:

(b)(6)

(b)(6)

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

11/08/2022

**ORDER OF THE IMMIGRATION JUDGE**

- ☒ This is a summary of the oral decision entered on 10/26/2022. This memorandum is solely for the convenience of the parties. The oral or written Findings, Decision, and Orders is the official opinion in this case.
- ☐ Both parties waived the issuance of a formal oral decision in this proceeding.

**I. Removability**

The court found Respondent ☒ removable ☐ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA): 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I)

**II. Applications for Relief**

Respondent's application for:

**A. Asylum/Withholding/Convention Against Torture**

- ☒ Asylum was ☐ granted ☒ denied ☐ withdrawn.
- ☒ Withholding of Removal under the INA was ☐ granted ☒ denied ☐ withdrawn.
- ☒ Withholding of Removal under the Convention Against Torture was ☐ granted ☒ denied ☐ withdrawn.
- ☐ Respondent knowingly filed a frivolous application for asylum after notice of the consequences.

**B. Cancellation of Removal**

- ☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was ☐ granted ☐ denied ☐ withdrawn.
- ☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was

☐ granted ☐ denied ☐ withdrawn.

☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was

☐ granted ☐ denied ☐ withdrawn.

**C. Waiver**

☐ A waiver under INA §        was ☐ granted ☐ denied ☐ withdrawn.

**D. Adjustment of Status**

☐ Adjustment of Status under INA §        was ☐ granted ☐ denied ☐ withdrawn.

**E. Other**

**III. Voluntary Departure**

☐ Respondent's application for ☐ pre-conclusion ☐ post-conclusion voluntary departure was  
☐ denied ☐ granted

☐ Further information regarding voluntary departure is attached.

Respondent shall depart the United States without expense to the Government by

Respondent shall post a departure bond in the amount of  with the DHS on or before

**IV. Removal**

☒ Respondent was ordered removed to India.

☐ In the alternative, Respondent was ordered removed to

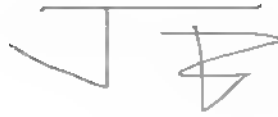
**V. Other**

☐ Proceedings were ☐ dismissed ☐ terminated ☐ administratively closed.

☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered.

☐ Respondent's status was rescinded under INA § 246.

☐ Other:



Immigration Judge: Burns, John 11/08/2022

Appeal: Department of Homeland Security: ☒ waived ☐ reserved  
Respondent: ☐ waived ☒ reserved

Appeal Due: 11/25/2022

### Certificate of Service

This document was served:

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To: [ ] Noncitizen | [ ] Noncitizen c/o custodial officer | [ E ] Noncitizen's atty/rep. | [ E ] DHS

Respondent Name : (b)(6) | A-Number : (b)(6)

Riders:

(b)(6)

(b)(6)

Date: 11/15/2022 By: Friedman, Michael , Court Staff



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK - BROADWAY IMMIGRATION COURT**

Respondent Name:

(b)(6)

To:

LeMelle, Gerald A  
8300 Boone Boulevard  
Suite 250  
Vienna, VA 22182

A-Number:

(b)(6)

Riders:

(b)(6)

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

01/19/2023

**ORDER ON MOTION TO DISMISS**

☐ The Respondent ☐ the Department of Homeland Security ☒ the parties jointly has/have filed a motion to dismiss these proceedings under 8 CFR 1239.2(c). The moving party has given notice of the motion to the non-moving party and the court has provided the non-moving party with an opportunity to respond. The motion is ☐ opposed ☒ unopposed.

After considering the facts and circumstances, the immigration court orders that the motion to dismiss is:

☒ Granted without prejudice  
☐ Denied

Further explanation:

IT IS SO ORDERED.

J B

Immigration Judge: Burns, John 01/19/2023

**Certificate of Service**

This document was served:

Via: ☒ M ] Mail | ☐ P ] Personal Service | ☐ E ] Electronic Service

To: ☐ Noncitizen | ☐ Noncitizen c/o custodial officer | ☐ E ] Noncitizen atty/rep. | ☐ E ] DHS

Respondent Name :  | A-Number :

Riders:

Date: 01/20/2023 By: Friedman, Michael , Court Staff



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK - BROADWAY IMMIGRATION COURT**

Respondent Name:

(b)(6)

To:

Lefkowitz, Albert Solon  
299 Broadway, Suite 1605  
New York , NY 10007

A-Number:

(b)(6)

Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

03/10/2023

**ORDER ON MOTION TO DISMISS**

☐ The Respondent ☐ the Department of Homeland Security ☒ the parties jointly has/have filed a motion to dismiss these proceedings under 8 CFR 1239.2(c). The moving party has given notice of the motion to the non-moving party and the court has provided the non-moving party with an opportunity to respond. The motion is ☐ opposed ☒ unopposed.

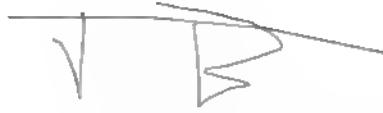
After considering the facts and circumstances, the immigration court orders that the motion to dismiss is:

☒ Granted without prejudice  
☐ Denied

Further explanation:

IT IS SO ORDERED.





Immigration Judge: Burns, John 03/10/2023

**Certificate of Service**

This document was served:

Via: ☒ M ] Mail | ☐ P ] Personal Service | ☐ E ] Electronic Service

To: ☐ Noncitizen | ☐ Noncitizen c/o custodial officer | ☐ E ] Noncitizen atty/rep. | ☐ E ] DHS

Respondent Name :  | A-Number :

Riders:

Date: 03/12/2023 By: Friedman, Michael , Court Staff



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK - BROADWAY IMMIGRATION COURT

Respondent Name:

(b)(6)

To:

Ledeneva, Victoria  
1 Myfield Ln  
New Preston, CT 06777

A-Number:

(b)(6)

Riders:

In Removal Proceedings

Date:

03/16/2023

**ORDER OF THE IMMIGRATION JUDGE**

- ☒ This is a summary of the oral decision entered on 03/16/2023. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- ☐ Both parties waived the issuance of a formal oral decision in this proceeding.

**I. Removability**

The immigration court found Respondent ☒ removable ☐ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 237 (a) (1) (B)

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

**II. Applications for Relief**

Respondent's application for:

**A. Asylum/Withholding/Convention Against Torture**

- ☒ Asylum was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under INA § 241(b)(3) was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☒ Withholding of Removal under the Convention Against Torture was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☐ Deferral of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☐ Respondent knowingly filed a frivolous application for asylum after notice of the

consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

**B. Cancellation of Removal**

- ☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.

**C. Waiver**

- ☐ A waiver under INA §        was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.

**D. Adjustment of Status**

- ☐ Adjustment of Status under INA §        was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.

**E. Other**

**III. Voluntary Departure**

- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a)  
☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ denied.
- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a)  
☐ post-conclusion voluntary under INA § 240B(b) departure was ☐ granted, and

Respondent is ordered to depart by . The respondent must post a \$   
bond with DHS within five business days of this order. Failure to post the bond as  
required or to depart by the required date will result in an alternate order of removal to

taking effect immediately.

- ☐ The respondent is subject to the following conditions to ensure his or her timely  
departure from the United States:

- ☐ Further information regarding voluntary departure has been added to the record.
- ☐ Respondent was advised of the limitation on discretionary relief, the consequences  
for failure to depart as ordered, the bond posting requirements, and the consequences of  
filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

☐ the presumptive civil monetary penalty amount of \$3,000.00 USD

☐ \$ \_\_\_\_\_ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of 10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.*

If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### **IV. Removal**

☒ Respondent was ordered removed to China.

☐ In the alternative, Respondent was ordered removed to

☐ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### **V. Other**

☐ Proceedings were ☐ dismissed ☐ terminated with prejudice ☐ terminated without prejudice  
☐ administratively closed.

☐ Respondent's status was rescinded under INA § 246.

☐ Other:



Immigration Judge: Burns, John 03/16/2023

Appeal: Department of Homeland Security: ☒ waived ☐ reserved

Respondent: ☐ waived ☒ reserved

Appeal Due: 04/17/2023

### **Certificate of Service**

This document was served:

Via: ☐ M ] Mail | ☐ P ] Personal Service | ☐ E ] Electronic Service

To: ☐ Noncitizen | ☐ Noncitizen c/o custodial officer | ☐ E ] Noncitizen's atty/rep. | ☐ E ] DHS

Riders:

By: Friedman, Michael , Court Staff

Date: 03/16/2023



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK - BROADWAY IMMIGRATION COURT

Respondent Name:

(b)(6)

A-Number:

(b)(6)

To:

Cuccia, Edward J.  
121 Walker Street  
New York, NY 10013

Riders:

In Removal Proceedings

Date:

03/21/2023

**ORDER OF THE IMMIGRATION JUDGE**

- ☒ This is a summary of the oral decision entered on 03/22/2023. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- ☐ Both parties waived the issuance of a formal oral decision in this proceeding.

**I. Removability**

The immigration court found Respondent ☒ removable ☐ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 237 (a) (1) (C) (i)

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

**II. Applications for Relief**

Respondent's application for:

**A. Asylum/Withholding/Convention Against Torture**

- ☒ Asylum was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under INA § 241(b)(3) was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☒ Withholding of Removal under the Convention Against Torture was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☐ Deferral of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☐ Respondent knowingly filed a frivolous application for asylum after notice of the

consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

**B. Cancellation of Removal**

- ☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.

**C. Waiver**

- ☐ A waiver under INA §        was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.

**D. Adjustment of Status**

- ☐ Adjustment of Status under INA §        was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.

**E. Other**

**III. Voluntary Departure**

- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a)  
☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ denied.
- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a)  
☐ post-conclusion voluntary under INA § 240B(b) departure was ☐ granted, and

Respondent is ordered to depart by . The respondent must post a \$   
bond with DHS within five business days of this order. Failure to post the bond as  
required or to depart by the required date will result in an alternate order of removal to

taking effect immediately.

- ☐ The respondent is subject to the following conditions to ensure his or her timely  
departure from the United States:

- ☐ Further information regarding voluntary departure has been added to the record.
- ☐ Respondent was advised of the limitation on discretionary relief, the consequences  
for failure to depart as ordered, the bond posting requirements, and the consequences of  
filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

☐ the presumptive civil monetary penalty amount of \$3,000.00 USD

☐ \$ \_\_\_\_\_ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of 10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.*

If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### **IV. Removal**

☒ Respondent was ordered removed to **BANGLADESH**.

☐ In the alternative, Respondent was ordered removed to

☐ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.


#### **V. Other**

☐ Proceedings were ☐ dismissed ☐ terminated with prejudice ☐ terminated without prejudice  
☐ administratively closed.



☐ Respondent's status was rescinded under INA § 246.

☐ Other:



Immigration Judge: Burns, John 03/21/2023

Appeal: Department of Homeland Security: ☒ waived ☐ reserved

Respondent: ☐ waived ☒ reserved

Appeal Due: 04/21/2023

### **Certificate of Service**

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To: ☐ Noncitizen | ☐ Noncitizen c/o custodial officer | ☐ E ] Noncitizen's atty/rep. | ☐ E ] DHS

Riders:

By: Friedman, Michael , Court Staff

Date: 03/23/2023



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK - BROADWAY IMMIGRATION COURT**

Respondent Name:

(b)(6)

A-Number:

(b)(6)

To:

Rahman, Mahfuzur  
75-21 Broadway  
3rd Floor  
Elmhurst, NY 11373

Riders:

In Removal Proceedings  
Initiated by the Department of Homeland Security

Date:

04/05/2023

**ORDER OF THE IMMIGRATION JUDGE**

Upon due consideration, it is hereby ordered that the motion to substitute as counsel filed by  
Beth A. T. Krause is:

☒ granted for the reason(s) below.

☐ denied for the reason(s) below.

Further explanation:

Immigration Judge: Burns, John 04/05/2023

### **Certificate of Service**

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To: ☐ Noncitizen | ☐ Noncitizen c/o custodial officer | ☐ E ] Noncitizen's atty/rep. | ☐ E ] DHS

Respondent Name :  | A-Number :

Riders:

Date: 04/05/2023 By: Friedman, Michael , Court Staff



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK - BROADWAY IMMIGRATION COURT**

**Respondent Name:**

(b)(6)

**A-Number:**

(b)(6)

**To:**

Krause, Beth  
199 Water Street  
New York, NY 10038

**Riders:**

In Removal Proceedings  
Initiated by the Department of Homeland Security

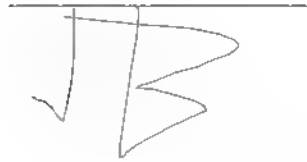
**Date:**

04/28/2023

**ORDER OF THE IMMIGRATION JUDGE**

**Order:**

JOINT MOTION TO SEVER AND DISMISS WITHOUT PREJUDICE is granted



Immigration Judge: Burns, John 04/28/2023

Appeal: Department of Homeland Security: ☒ waived ☐ reserved  
Respondent: ☒ waived ☐ reserved

Appeal Due:

### Certificate of Service

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Via: ☐ M Mail ☐ P Personal Service ☐ E Electronic Service

To: ☐ Noncitizen ☐ Noncitizen c/o custodial officer ☐ E Noncitizen's atty/rep. ☐ E DHS

Respondent Name :  A-Number :

Riders:

Date: 04/28/2023 By: Peralta, Esther , Court Staff



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK - BROADWAY IMMIGRATION COURT**

**Respondent Name:**

(b)(6)

**To:**

Rahman, Mahfuzur  
75-21 Broadway  
3rd Floor  
Elmhurst, NY 11373

**A-Number:**

(b)(6)

**Riders:**

In Removal Proceedings  
Initiated by the Department of Homeland Security

**Date:**

04/28/2023

**ORDER OF THE IMMIGRATION JUDGE**

As discussed on the record on 4/28/2023, the Respondent through counsel moved to have her case severed from (b)(6) and DHS did not object.

**Order:**

Motion to Sever is granted



Immigration Judge: Burns, John 04/28/2023

Appeal: Department of Homeland Security: ☐ waived ☐ reserved  
Respondent: ☐ waived ☐ reserved

Appeal Due:

### Certificate of Service

This document was served:

Via: ☐ M ] Mail | ☐ P ] Personal Service | ☐ E ] Electronic Service

To: ☐ Noncitizen | ☐ Noncitizen c/o custodial officer | ☐ E ] Noncitizen's atty/rep. | ☐ E ] DHS

Respondent Name :  A-Number :

Riders:

Date: 05/02/2023 By: Friedman, Michael , Court Staff



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK - BROADWAY IMMIGRATION COURT**

Respondent Name:

(b)(6)

To:

Rahman, Mahfuzur  
75-21 Broadway  
3rd Floor  
Elmhurst, NY 11373

A-Number:

(b)(6)

Riders:

In Removal Proceedings  
Initiated by the Department of Homeland Security

Date:

04/28/2023

**ORDER OF THE IMMIGRATION JUDGE**

It is hereby ordered that the above-captioned case be administratively closed for the following reason:

- ☒ Joint request by both parties.
- ☐ A party has requested administrative closure and the opposing party has not presented a persuasive reason why proceedings should not be administratively closed.
- ☐ The court has received information documenting that the respondent/applicant is currently detained/incarcerated and unable to appear for proceedings.
- ☐ Other:

This case remains under the jurisdiction and docket control of the immigration court. If either party in this case desires further action on this matter, the party must file a written motion to recalendar the case (including a certificate of service on the opposing party) with the immigration court having administrative control over the Record of Proceeding in this case.

Immigration Judge: Burns, John 04/28/2023



Appeal: Department of Homeland Security: ☒ waived ☐ reserved  
Respondent: ☒ waived ☐ reserved

Appeal Due:

### **Certificate of Service**

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To: ☐ Noncitizen | ☐ Noncitizen c/o custodial officer | ☐ E ] Noncitizen's atty/rep. | ☐ E ] DHS

Respondent Name :  | A-Number :

Riders:

Date: 05/02/2023 By: Friedman, Michael , Court Staff



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK - BROADWAY IMMIGRATION COURT

Respondent Name:

(b)(6)

A-Number:

(b)(6)

To:

Rahman, Mahfuzur  
75-21 Broadway  
3rd Floor  
Elmhurst, NY 11373

Riders:

In Removal Proceedings

Date:

04/28/2023

**ORDER OF THE IMMIGRATION JUDGE**

- ☒ This is a summary of the oral decision entered on 04/28/2023. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- ☐ Both parties waived the issuance of a formal oral decision in this proceeding.

**I. Removability**

The immigration court found Respondent ☒ removable ☐ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212 (a) (6) (A) (i)

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

**II. Applications for Relief**

Respondent's application for:

**A. Asylum/Withholding/Convention Against Torture**

- ☒ Asylum was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under INA § 241(b)(3) was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☒ Withholding of Removal under the Convention Against Torture was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☐ Deferral of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☐ Respondent knowingly filed a frivolous application for asylum after notice of the

consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

**B. Cancellation of Removal**

- ☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.
- ☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.

**C. Waiver**

- ☐ A waiver under INA §        was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.

**D. Adjustment of Status**

- ☐ Adjustment of Status under INA §        was  
☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice.

**E. Other**

**III. Voluntary Departure**

- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a)  
☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ denied.
- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a)  
☐ post-conclusion voluntary under INA § 240B(b) departure was ☐ granted, and

Respondent is ordered to depart by . The respondent must post a \$   
bond with DHS within five business days of this order. Failure to post the bond as  
required or to depart by the required date will result in an alternate order of removal to

taking effect immediately.

- ☐ The respondent is subject to the following conditions to ensure his or her timely  
departure from the United States:

- ☐ Further information regarding voluntary departure has been added to the record.
- ☐ Respondent was advised of the limitation on discretionary relief, the consequences  
for failure to depart as ordered, the bond posting requirements, and the consequences of  
filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

☐ the presumptive civil monetary penalty amount of \$3,000.00 USD

☐ \$ \_\_\_\_\_ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of 10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.*

If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### **IV. Removal**

☒ Respondent was ordered removed to Bangladesh.

☐ In the alternative, Respondent was ordered removed to

☐ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### **V. Other**

☐ Proceedings were ☐ dismissed ☐ terminated with prejudice ☐ terminated without prejudice  
☐ administratively closed.

☐ Respondent's status was rescinded under INA § 246.

☐ Other:



Immigration Judge: Burns, John 04/28/2023

Appeal: Department of Homeland Security: ☒ waived ☐ reserved

Respondent: ☐ waived ☒ reserved

Appeal Due: 05/30/2023

### **Certificate of Service**

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Riders:

By: Friedman, Michael , Court Staff

Date: 05/02/2023

**NOT FOR PUBLICATION**

U.S. Department of Justice  
Executive Office for Immigration Review  
Board of Immigration Appeals

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MATTER OF:

(b)(6)

A

(b)(6)

Respondent

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**FILED**

Mar 31, 2023

ON BEHALF OF RESPONDENT: Gregory Kuntashian, Esquire

**IN REMOVAL PROCEEDINGS**

On Appeal from a Decision of the Immigration Court, New York, NY

Before: Wetmore, Chief Appellate Immigration Judge

WETMORE, Chief Appellate Immigration Judge

The respondent has appealed the Immigration Judge's decision rendered on January 26, 2022. The respondent, through counsel, has informed the Board that the transcripts of the April 15, 2019, and June 21, 2019, hearings are incomplete, which precludes the respondent's counsel from reviewing the transcript thoroughly and accurately to prepare the respondent's brief. The transcript is defective. As we consider the transcript necessary for our review of this matter, we will return the record to the Immigration Court for further action. Upon receipt of the record, the Immigration Court shall take such steps as are necessary and appropriate to enable preparation of a complete transcript of the proceedings, including a new hearing, if necessary.

Accordingly, the following order will be issued.

ORDER: The record is returned to the Immigration Court for further action as appropriate and certification to the Board by the Immigration Judge thereafter.